

**REMARKS/ARGUMENTS**

The Examiner has maintained the original rejection that claims 1-3, 5, 8, 10-13, 15-18, and 26 are obvious under 35 U.S.C. § 103(a) over U.S. Patent No. 5,978,672 to Hartmaier (“Hartmaier”) in view of U.S. Patent No. 6,275,577 to Jackson (“Jackson”), and in further view of U.S. Patent No. 6,771,761 to LaPierre (“LaPierre”). The Examiner further maintains the rejection of claims 19-23, 25, and 29 under 35 U.S.C. § 103(a) as being obvious over Haertmaier, in view of Jackson, and in further view of LaPierre, and yet in even further view of U.S. Patent No. 5,884,191 to Karpus (“Karpus”).

The Applicant has carefully reviewed the entire record of the completed appeal proceedings in this case and presents amendments intended to place this case in condition for allowance. The Applicant notes the following:

1. In the Examiner’s answer of November 20, 2007 at pages 19-20, the Examiner states that the request sent to the pager of Jackson is a “call” and invites the Applicant to amend the claims to differentiate the “call” to the pager of Jackson from the claimed call. On page 12 of the Decision on Appeal, the Appeal Board further noted that claim 1 recites connecting the call to a user by connecting said first communication path to the second **or** third communication path. The Board concluded that Jackson teaches this feature because the scope of the claim only requires the ability to connect to the user through one of the wireless destination telephone numbers (i.e., the wireless phone of Jackson and not necessarily the pager of Jackson).
2. In the Examiner’s answer of November 20, 2007 at page 21, the Examiner indicates that the claimed “generating and sending a simulated dial tone to the wireless telephone” is taught by Karpus because the “radiotelephone handset” of Karpus is a wireless telephone. The Examiner notes that the claim language does not recite a “cellular telephone”. The Decision on Appeal addresses this issue at pages 16-17.
3. On page 12 of the Decision on Appeal, the Appeal Board further notes that the Examiner’s interpretation that a call is “authenticated” by the user accepting the

call after screening it is reasonable. The Appeal Board further states that the Specification does not provide a definition for “authenticated”.

In response to the above, Applicant hereby amends claim 1 to recite that the call is a telephone voice call. Claim 1 is further amended to state that the telephony interface connects the voice call to a user by connecting said first communication path to either one of the second and third communication path when one of the second or third communication path is authenticated by-receipt of an acknowledgement signal including a dual tone multi-frequency (DTMF) tone. Therefore, it is submitted that Hartmaier, Jackson, and/or LaPierre, whether taken alone or in combination, do not teach or suggest all of the features of claim 1.

Similarly, claim 19 and 29 are amended to state that the wireless telephone is a cellular telephone. Therefore, it is submitted that Hartmaier, Jackson, and/or LaPierre, whether taken alone or in combination, do not teach or suggest all of the features of claims 19 or 29.

Similarly, claim 26 is amended to state that the telephone call is a telephone voice call. Therefore, it is submitted that Hartmaier, Jackson, and/or LaPierre, whether taken alone or in combination, do not teach or suggest all of the features of claim 26.

## **CONCLUSION**

Applicant respectfully requests reconsideration and allowance of the claims.

Applicant is concerned to advance this application as quickly as is reasonably possible. Accordingly, Applicant respectfully requests that, in the event the Examiner has any further questions about this application, the Examiner call Applicant's attorney at the number provided below.

Applicant believes that no further fees are due in connection with the filing of this paper. In the event that the office determines that any further fee is due, Appellant requests that such fee be charged to its Deposit Account No. 195113.

Applicant requests that any questions concerning this matter be directed to the undersigned at 416-216-4020.

Respectfully submitted,

**OGILVY RENAULT LLP**

Date: September 30, 2010

By                     /mve/                      
Michael Van Eesbeek  
Registration No. 61,951  
Telephone (416) 216-4020  
Fax (216) 216-3930

OGILVY RENAULT LLP  
Suite 3800, Royal Bank Plaza, South Tower  
200 Bay Street, P.O. Box 84  
Toronto, Ontario M5J 2Z4  
Canada